

The Corporation of The City of Temiskaming Shores

By-Law No. 2020-114

Being a By-Law to Adopt a Memorial Bench and Tree Policy for the City of Temiskaming Shores

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

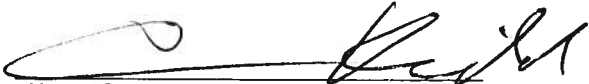
Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council considered Administrative Report No. RS-010-2020 at the November 17, 2020 Regular Council meeting, and directed staff to prepare the necessary by-law to adopt Memorial Bench and Tree Policy for the City of Temiskaming Shores, and to repeal By-law No. 2013-088 as amended, for consideration at the November 17, 2020 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council adopts a Memorial Bench and Tree Policy for the City of Temiskaming Shores, identified as Schedule "A", attached hereto and forming part of this by-law.
2. That By-law Number 2013-088 and all amendments thereto are repealed in their entirety upon the coming into effect of this By-law.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first, second and third time and finally passed this 17th day of November, 2020.



Mayor – Carman Kidd



Clerk – Logan Belanger



Schedule “A” to

By-law No. 2020-114

**Being a By-Law to Adopt a Memorial Bench and Tree Policy
for the City of Temiskaming Shores**

1. Purpose

The intent of this policy is to provide the public with an opportunity to commemorate or honour family, friends or events within the City of Temiskaming Shores.

2. Policy Objectives

This policy will establish standards and requirements for the donation of memorial items to the City of Temiskaming Shores. The Temiskaming Shores Recreation Department will coordinate and maintain the program to ensure that standards and requirements are met.

3. Program Overview

The former Town of New Liskeard started a Memorial Bench & Tree Donation Program as a way to commemorate the Town's 100th anniversary. The program continued with the City of Temiskaming Shores and was adopted as a formal policy with the passing of By-law 2013-088. The City has continued to install memorial benches and trees throughout parks and greenspaces in the years since without an update to the policy.

The program will allow members of the public to provide a monetary donation to the City for the installation of a bench or tree placed on public municipal property. In exchange, the donor will be able to leave a plaque on the item with a personalized message.

4. Tree, Bench and Plaque Standards

4.1 Bench Standards

Benches will be 4ft, 6ft or 8ft in width and must fit esthetically within the desired location. When no preference for material type is provided by the donor, the city will purchase a composite material bench to match existing amenities. Benches will be placed on a concrete pad with sufficient size to ensure the entire bench is properly supported and erosion from public use is minimized. Benches will be secured to the concrete pad with fasteners to ensure they cannot be moved without using tools.

Benches are to remain free of décor or additional commemoration beyond a plaque of no more than 4 inches tall by 12 inches wide, placed on the back rest.

4.2 Tree Species, Height, Planting

All trees must be a minimum of 5ft in height when planted as part of this program. The City will have final say on the species and cultivar of tree selected by the donor with preference for species which are rated for hardiness zone 3a.

All tree planting will be completed by an outside contractor to ensure correct planting technique is used and to provide the tree the best opportunity to thrive.

Trees are to remain free of décor or additional commemoration beyond a plaque of no more than 6 inches tall by 6 inches wide, placed on a stand-alone display to the city's specifications.

4.3 Plaques

All plaque messages will contain no obscenities or other messages determined to be offensive. The city will have final approval of all plaque messages. Plaques are the responsibility of the purchaser to replace in the event they are damaged, lost, stolen etc. If the City determines that a plaque is in need of replacement, it will contact the original purchaser to arrange for a replacement.

5. **Location Selection and Approval**

5.1 General Location Availability

Only parks and greenspaces within the boundaries of the City of Temiskaming Shores will be available for the placement of memorial trees and benches. Locations not available include private property, sidewalks, vacant land, inside buildings, in waterways and any other area that the City deems as inappropriate. The City reserves the right to restrict certain locations from availability within the program for any amount of time. Further, no benches will be placed on the New Liskeard Waterfront, defined

as the park and greenspace between the roadway and Lake Temiskaming from Beach Boulevard to Riverside Place during the years 2021, 2022 and 2023.

5.2 Location Selection Process

Every effort will be made to accommodate the donor's choice of location. The donor will provide a requested site for the item and it will then be reviewed by Recreation Department staff to determine suitability. If the site is found to be unacceptable, the process will be repeated. The donor will specifically initial the agreed upon site in their application.

5.3 City Veto / Moving

The City will have complete and final say on all location selections for memorial trees and benches. The City reserves the right to re-locate any memorial item if deemed necessary for any purpose. In all cases where a memorial item is to be moved, the City will contact the original donor of the item to agree upon a new location for the item. If the original donor cannot be contacted or a new location cannot be agreed upon, the City will decide on a new location.

6. **Appeals**

In the event that any decision or process regarding the memorial tree or bench program is in dispute between a donor and the City. The donor will bring their concern, in writing, to the Recreation Committee for resolution.

7. **Intake Period**

There will be one intake period per calendar year for applications to the program. The application period will be from January 1st until April 15th of each year with all installations to take place by September 30th of the same year. Any applications received after April 15th will be included in the application intake period of the following year.

8. Costs

8.1 Benches

The cost for a memorial bench will be set at \$2,000 which includes the bench, plaque, engraving, shipping, installation and any applicable taxes. The full cost must be paid by the donor before the item is ordered.

8.2 Trees

The cost for a memorial tree will be set at \$500 which includes the tree, plaque, engraving, shipping, installation and any applicable taxes. The full cost must be paid by the donor before the item is ordered.

9. City Responsibilities

The City reserves the right to determine the level of general care for all memorial items depending on budget and staff availability. General care is defined as the mowing, raking, pruning and general cleaning of the grounds around benches and trees and the items themselves, as determined by the City.

The City distinctly disclaims all responsibility for loss or damage from causes beyond reasonable control and especially from damage caused by the elements, and Acts of God, thieves, vandals, riots, or order of any military or civil authority, whether the damage is direct or collateral, other than as herein provided. If a bench is damaged or destroyed, the donator has the option to repair and/or purchase a new bench. The City reserves the right to remove the bench/tree if its condition is deemed unsafe and/or unsightly or for operational needs as may be required.